

Message Text

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USMISSION USBERLIN IMMEDIATE

INFO AMEMBASSY BERLIN

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C O N F I D E N T I A L SECTION 01 OF 05 BONN 03957

E.O. 11652: GDS

TAGS: PFOR, PGOV, GW, GE, WB, US, UK, FR, UR

SUBJECT: REICHSBAHN CONSTRUCTION IN WEST BERLIN

REFS: (A) USBERLIN 451; (B) USBERLIN 449;

(C) USBERLIN 448; (D) BONN 3723;

(E) STATE 55155; (F) BONN 3676

BEGIN SUMMARY: BONN GROUP DISCUSSIONS HAVE SO FAR
PRODUCED NO CONSENSUS ON HOW BEST TO PROCEED IN THE
FACE OF GDR DEFIANCE OF THE ALLIED ORDER CONCERNING
IMPLEMENTATION OF THE AGREEMENT ON IMPROVING RAIL
SERVICE TO WEST BERLIN. FRG REPS SAY THEY HAVE NO
FURTHER INFORMATION ON THE MARCH 5 GAUS APPROACH TO THE
GDR FOREIGN MINISTRY AND DO NOT KNOW WHEN THE FOLLOW-UP
MEETING WILL TAKE PLACE. BOTH FRENCH AND UK REPS ARE
INDULGING "I TOLD YOU SO" ATTITUDES, WITH THE FRENCH
RECALLING THEIR WARNINGS OF THE DANGERS OF PERMITTING
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THE GDR TO APPEAR TO BE CREATING AN AGREEMENT WITH THE

SENAT AND THE UK REPS REMINDING THE OTHER TWO ALLIES OF
THEIR MISGIVINGS ABOUT MAKING THE LANGUAGE OF BK/O
(75)15 SO SPECIFIC.

US AND FRENCH REPS ARE ADHERING TO THE POSITION THAT
THERE CAN BE NO COMPROMISE WHICH DOES NOT INVOLVE SOME
SHOWING BY THE REICHSBAHN THAT IT ACCEPTS ALLIED
AUTHORITY, WHILE UK IS CONTINUING TO PRESS, WITH FRG
AND SENAT SUPPORT, FOR AN INTERMEDIARY SCHEME WHICH
WOULD HAVE THE AK TREAT THE SENAT OR THE WEST BERLIN
CONSTRUCTION FIRMS AS AGENTS FOR THE REICHSBAHN, EVEN
WITHOUT A REQUEST BY THE REICHSBAHN THAT THEY PLAY THAT
ROLE. IN OUR VIEW, THE BRITISH PROPOSAL WOULD AMOUNT
TO COMPLETE ALLIED CAPITULATION. BARRING FURTHER
DEVELOPMENTS ON THE GROUND WHICH WOULD FACILITATE OR
NECESSITATE EARLIER ACTION, HARD DECISIONS WILL HAVE TO
AWAIT THE FOLLOW-UP GAUS-SEIDEL MEETING AND POSSIBLE
CLARIFICATION OF THE GDR POSITION.

USBERLIN 466, SUGGESTING FRG MIGHT ASK ALLIES TO ASSIST
IN DRAWING UP TALKING POINTS FOR NEXT GAUS MEETING, HAS
JUST BEEN RECEIVED AND IS DISCUSSED IN FINAL PARAGRAPH.
END SUMMARY.

1. DISCUSSIONS IN BONN OF THE REICHSBAHN IMPASSE LEAVE
US VERY MUCH IN A HOLDING PATTERN. ALLIED BONN GROUP
REPS MET TRIPARTITELY ON MARCH 6 AND MARCH 8, AND FULL
BONN GROUP MET LATER ON MARCH 8.

2. WE VERY MUCH APPRECIATE DEPARTMENT'S GUIDANCE
(REF E), WHICH HAS PERMITTED US TO STRESS THE US VIEW
THAT ANY COMPROMISE ULTIMATELY REACHED MUST INVOLVE AT
LEAST A MINIMUM SHOWING OF COMPLIANCE WITH ALLIED
LEGISLATION -- SPECIFICALLY BK/O (75)15 -- ON THE PART
OF THE REICHSBAHN. BOTH THE UK AND THE FRG REPS
CONTINUE TO ADVOCATE A "COMPROMISE" WHICH WOULD IN
EFFECT FREE THE REICHSBAHN FROM OBTAINING ALLIED
AUTHORIZATION TO UNDERTAKE THE WORK IN THE WSB.

3. THE FIRST PART OF THE MARCH 6 TRIPARTITE MEETING
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WAS DEVOTED TO A DISCUSSION OF THE PREVIOUS DAY'S
MITDANK-KUNZE MEETING, CONCERNING WHICH BRITISH AND
FRENCH REPORTS CONVEYED AN EVEN FULLER FLAVOR THAN
USBER'S ACCOUNT (REF B) OF MITDANK'S INSISTANCE,
THROUGHOUT THE CONVERSATION, THAT THE GDR HAD CONCLUDED
AN AGREEMENT WITH THE SENAT AND WAS LIVING UP TO ITS
PART OF IT BY LETTING CONTRACTS AND GETTING THE WORK
STARTED. ACCORDING TO THE FRENCH ACCOUNT, MITDANK ALSO

ASSERTED THAT THE AGREEMENT ON OPENING A NORTHERN CROSSING POINT (ALSO A PART OF THE DECEMBER 19 PACKAGE) AND THE AGREEMENT ON INSTITUTIONS OF NEW RAIL STOPS IN WEST BERLIN WERE CONNECTED, AND THAT THE FORMER COULD NOT BE IMPLEMENTED BEFORE THE LATTER. MITDANK DID NOT ACCEPT KUNZE'S ATTEMPT TO DRAW A DISTINCTION BETWEEN THE TWO, BASED ON THE FACT THAT THE OPENING OF THE NORTHERN CROSSING POINT HAD BEEN AGREED BETWEEN THE SENAT AND THE

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GDR BY AN EXCHANGE OF LETTERS AND CAME WITHIN THE FRAME-
WORK OF THE VISITS ARRANGEMENT, WHEREAS THE SENAT'S
ROLE IN THE RAIL ARRANGEMENTS HAD BEEN LIMITED TO
RECEIVING A UNILATERAL GDR DECLARATION.

4. GIVEN THIS MITDANK POSITION, ALLIED REPS WERE OF THE

OPINION THAT THE ABILITY TO REACH A COMPROMISE ARRANGEMENT WOULD DEPEND TO A CONSIDERABLE DEGREE ON WHETHER THE FRG RECEIVED A LESS HARD-LINE RESPONSE TO THE DEMARCHE MADE BY GAUS TO SEIDEL. MEANWHILE, IT WAS AGREED TRIPARTITELY THAT NO FOLLOW-UP SHOULD BE MADE TO THE FEBRUARY 27 ALLIED DEMARCHE TO THE SOVIETS, ON GROUNDS THAT, EVEN IF THE SOVIETS SHOULD BE PLAYING A HELPFUL ROLE BEHIND THE SCENES WITH THE GDR, THEY WOULD ALMOST CERTAINLY TAKE A HARD LINE WITH THE ALLIES. US AND UK REPS SHARED THE VIEW OF THE FRENCH REP (BOISSIEU) CONFIDENTIAL

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THAT IF, IN THE END, WE DECIDED TO HALT THE WORK, OUR APPROACHES TO THE SOVIETS WOULD TAKE ON THE NATURE OF A CONFRONTATION, AND IF THE ALLIES EVENTUALLY BACKED DOWN IT WOULD APPEAR THAT WE HAD CAPITULATED TO THE SOVIETS.

5. TRIPARTITE DISCUSSION THEN TURNED TO THE FORM OF A POSSIBLE COMPROMISE AND HOW IT MIGHT BE ARRANGED. BOISSIEU TOOK THE POSITION THAT THE ALLIES SHOULD NOT GIVE THE IMPRESSION THAT THEY CONSIDERED THEMSELVES RESPONSIBLE FOR THE PRESENT IMPASSE. EVEN IF BK/O (75)15 HAD NOT BEEN ISSUED WE WOULD BE IN THE SAME SITUATION TODAY; WHAT WAS AT ISSUE WAS THAT THE REICHSBAHN WAS REFUSING TO COMPLY WITH LONG-ESTABLISHED PROCEDURES. THE FRG AND THE SENAT HAD PERMITTED THE IMPRESSION TO BE CREATED THAT THERE WAS AN AGREEMENT BETWEEN THE GDR AND THE SENAT; BOISSIEU RECALLED THAT HE HAD WARNED THE FRG (IN A DECEMBER 4 BONN GROUP MEETING) THAT THIS WOULD BE THE RESULT IF THE FRG PERMITTED THE GDR TO DELIVER IDENTICAL STATEMENTS TO GAUS AND TO THE SENAT. HE THOUGHT THE ALLIES SHOULD MAKE IT CLEAR TO THE FRG THAT IT WAS NOT ALLIED BEHAVIOR BUT THE GDR ATTEMPT TO EXPLOIT THE AMBIGUITY IN THE DECEMBER 19 SCENARIO WHICH WAS CREATING THE PROBLEM. UNDER THOSE CIRCUMSTANCES IT WOULD BE PREFERABLE TO PLACE THE BURDEN ON THE FRG TO PROPOSE A COMPROMISE.

6. BOISSIEU, WHILE NOT INDICATING THE CONTENTS OF HIS INSTRUCTIONS FROM PARIS, THOUGHT THE MINIMUM ELEMENTS OF A COMPROMISE WERE (A) THAT THE OTHER SIDE SHOULD PLAY AN ACTIVE ROLE AND (B) THAT IT SHOULD BE THE REICHSBAHN WHICH ACTED ON THE OTHER SIDE. HE THOUGHT THAT, AS THE DEPARTMENT HAD INDICATED IN PARA 5, REF E, AN INTERMEDIARY THEORY CONTAINING THOSE ELEMENTS MIGHT BE ACCEPTABLE.

7. THE UK REP (CARTER) STATED AT THE MARCH 6 MEETING THAT HE HAD RECEIVED ONLY GENERAL GUIDANCE FROM LONDON, WITH THESE BASIC ELEMENTS: WE ARE IN A BIT OF A MESS;

WE HAVE A DEGREE OF LATITUDE TO WORK FOR A COMPROMISE
AND A FACE-SAVING FORMULA; AND THIS IS NOT A VERY GOOD
GROUND FOR PICKING A CONFRONTATION WITH THE GDR.
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CARTER THEN PROCEEDED TO REITERATE THE UK PROPOSAL FROM
EARLIER IN THE WEEK. EMPHASIZING THAT THE ALLIES WERE
THE INTERPRETERS OF THEIR OWN LEGISLATION, HE SUGGESTED
THAT WE COULD OBTAIN THE NECESSARY PLANS FROM EITHER THE
SENAT OR THE CONTRACTORS, THAT AFTER EXAMINING THEM TO
DETERMINE THAT THERE WERE NO CHANGES IN THE STATUS OF
THE REICHSBAHN WE COULD ISSUE AN AUTHORIZATION DIRECTLY
TO THE REICHSBAHN TO CARRY OUT THE WORK, AND THAT IF THE
REICHSBAHN ACCEPTED THIS AUTHORIZATION WITHOUT CONTEST-
ING IT, WE COULD STATE THAT THERE HAD BEEN COMPLIANCE
WITH THE BK/O. THE PROCEDURES FOR OBTAINING THE
INFORMATION WOULD NOT MATTER, SO LONG AS WE HAD THE
INFORMATION AND WERE SATISFIED AS TO ITS SUBSTANCE.

8.. US REP ARGUED THAT, IN THIS CASE, THE PROCEDURE WAS
THE SUBSTANCE. WHAT WAS AT STAKE WAS THE REFUSAL OF
THE REICHSBAHN TO SUBMIT TO ALLIED AUTHORITY IN WEST
BERLIN; THE US COULD NOT ACCEPT A PROPOSAL FOR A
COMPROMISE WHICH AMOUNTED TO PERMITTING THE GDR TO
ADVANCE ITS POSITION TO SUCH A SIGNIFICANT EXTENT.
BOISSIEU SAID HE ABSOLUTELY AGREED. CARTER SAID HE SAW
THE LOGIC OF THE US ARGUMENT AND WOULD REPORT IT AND THE
DEPARTMENT'S POSITION TO LONDON.

9. AT MARCH 8 TRIPARTITE MEETING, HOWEVER, CARTER,
REENFORCED BY UK LEGAL ADVISOR (EDWARDS), REITERATED

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THE EARLIER UK POSITION. EDWARDS ARGUED IN ADDITION THAT BK/O (75)15 HAD GONE MUCH FURTHER THAN ANY PREVIOUS ALLIED LEGISLATION IN REQUIRING THE REICHSBAHN TO OBTAIN PRIOR ALLIED APPROVAL FOR PERFORMING WORK IN WEST BERLIN. HE RECALLED THAT BK/O (49)217 HAD DEALT ONLY WITH THE REMOVAL OF REICHSBAHN PROPERTY FROM THE WESTERN SECTORS, AND HE ADOPTED A MEA CULPA ATTITUDE THROUGHOUT THE DISCUSSION. RECALLING THE BRITISH FOREBODINGS EXPRESSED BEFORE BK/O (75)15 WAS ISSUED (75 USBER 2660 AND 75 BONN 20899), EDWARDS ARGUED IN EFFECT THAT THE ALLIES HAD CREATED THE DIFFICULTY AND HAD TO FIND THE SOLUTION. HE SUGGESTED AS ONE ADDITIONAL ELEMENT OF A COMPROMISE PLAN THAT AN ALLIED AUTHORIZATION TO THE REICHSBAHN, ISSUED AS DESCRIBED IN PARA 7 ABOVE, MIGHT ALSO STATE THAT THE REICHSBAHN WOULD, OF COURSE, HAVE TO COMPLY WITH BK/O (49)217 BEFORE REMOVING ANY PROPERTY
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FROM THE WESTERN SECTORS.

10. IN THE FULL BONN GROUP MEETING ON MARCH 8 THE FRG REP (HENZE) SAID HE HAD NO ADDITIONAL INFORMATION ON THE MARCH 5 GAUS-SEIDEL MEETING. HE DID NOT KNOW WHEN THE FOLLOW-UP MEETING WOULD TAKE PLACE OR WHO WAS TO TAKE THE INITIATIVE IN ARRANGING THAT MEETING. HENZE WAS ALSO UNABLE TO ANSWER ALLIED QUESTIONS AS TO HOW THE FRG INTERPRETED THE GDR POSITION IN THE LIGHT OF THE REMARKS MADE ON MARCH 5 BY MITDANK AND SEIDEL, OTHER THAN TO STATE THAT HE HESITATED TO BE TOO OPTIMISTIC.

11. HENZE ASKED WHETHER ALLIED REPS HAD RECEIVED INSTRUCTIONS FROM CAPITALS, TO WHICH CARTER RESPONDED FIRST BY STATING THAT HE HAD RECEIVED GENERAL GUIDANCE WHICH EMPOWERED HIM TO WORK FOR SOME KIND OF COMPROMISE. US REP DREW FROM REF E TO NOTE THAT US WELCOMED THE GAUS APPROACH TO THE GDR AND ALSO THAT THE US WAS DESIROUS OF FINDING A COMPROMISE SOLUTION, BUT THAT A COMPROMISE MUST AMOUNT TO SOMETHING MORE THAN THE GDR STANDING FIRM AND DOING NOTHING. AS CHAIRMAN, US REP STATED THAT ALLIES FELT THAT MUCH OF THE DIFFICULTY STEMMED FROM GDR EFFORTS TO EXPLOIT THE AMBIGUITY OF THE DECEMBER 19 PACKAGE AGREEMENT AND WONDERED WHETHER THE FRG MIGHT NOT HAVE SOME SUGGESTIONS AS TO HOW A COMPROMISE MIGHT BE WORKED OUT.

12. MEICHSNER (BERLIN REPRESENTATION) SPOKE AT SOME LENGTH AND REITERATED THE LINE HERZ HAD EXPRESSED TO BERLIN MISSIONS (PARA 3, REF B) THAT IT WAS THE ALLIED BK/O WHICH WAS AT THE HEART OF THE DIFFICULTIES. WHILE ADMITTING THAT BK/O (75)15 DID NOT CHANGE WHAT HAD COME TO BE ESTABLISHED PRACTICE, HE POINTED OUT THAT THE WORDING OF THE BK/O WENT BEYOND PREVIOUS ALLIED LEGISLATION. HE ADDED THAT REICHSBAHN OFFICIALS HAD TOLD BERLIN CUSTOMS OFFICERS THAT THEY WOULD, OF COURSE, COMPLY WITH BK/O (49)217.

13. MEICHSNER ADDED THAT INCLUDED IN THE DECEMBER 19 PACKAGE WERE ELEVEN PAGES OF DETAILS ON THE REICHSBAHN CONSTRUCTION IN WEST BERLIN AND THAT THESE HAD ALREADY CONFIDENTIAL

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BEEN APPROVED BY THE ALLIES. HE FAILED TO SEE WHAT MORE WAS NEEDED. BOISSIEU PROMPTLY CORRECTED THE RECORD TO NOTE THAT THE THREE AMBASSADORS, EVEN THOUGH THEY GAVE GENERAL APPROVAL TO CONCLUSION OF THE AGREEMENTS ON THE MORNING OF DECEMBER 17, HAD EXPRESSED RESERVATIONS WITH REGARD TO REICHSBAHN MATTERS. THE ALLIES HAD NOT EVEN

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HAD TIME TO TRANSLATE THE PLANS, LET ALONG TRANSMIT THEM TO CAPITALS, AND THERE SHOULD BE NO MISUNDERSTANDING TO THE EFFECT THAT THE ACQUIESCENCE OF THE THREE AMBASSADORS HAD CONSTITUTED "APPROVAL" OF THE REICHSBAHN PLANS.

14. EDWARDS THEN SPELLED OUT ONCE MORE FOR THE BENEFIT OF THE FRG HIS THOUGHTS ON A COMPROMISE ALONG LINES DESCRIBED ABOVE, BASED ON THE THEORY THAT THE CONSTRUCTION FIRMS WERE IN FACT AGENTS FOR THE REICHSBAHN. MEICHSNER EXPRESSED ENTHUSIASM FOR THE IDEA AND POINTED OUT THAT IT WOULD NOT BE UNUSUAL FOR A FIRM LIKE SIEMENS TO OBTAIN NECESSARY PERMITS FOR A PRINCIPAL, INCLUDING A FOREIGN GOVERNMENT, FOR WHOM IT MIGHT BE PERFORMING WORK UNDER CONTRACT. HENZE ADDED THAT THE UK PROPOSAL SEEMED TO BE THE ONLY FEASIBLE ONE IN SIGHT.

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15. US REP REITERATED THAT THIS PROPOSAL WOULD NOT, IN THE US VIEW, CONSTITUTE A COMPROMISE. HE ADDED THAT IT WOULD AMOUNT TO DANGEROUS GDR INROADS IN WEST BERLIN AND

WONDERED WHETHER THE FRG WAS NOT ALSO CONCERNED ON THAT SCORE.

16. BOISSIEU SAID HE HAD TWO DIFFICULTIES WITH THE BRITISH PROPOSAL. HE AGREED WITH THE SPECIFIC OBJECTIONS WHICH HAD BEEN STATED BY THE US REP; IN ADDITION THE FRENCH HAD FOR YEARS REFUSED TO ACCEPT AN AGENT THEORY ON BERLIN MATTERS. HE THOUGHT IT WOULD BE DIFFICULT TO AGREE TO A COMPROMISE WITHOUT BEING ABLE TO VISUALIZE ALL OF THE DETAILS -- WHO WOULD SPEAK TO WHOM, ETC., AND HE THOUGHT IT WOULD BE USEFUL FOR THE SENAT TO SUGGEST SUCH A SCENARIO. HE WOULD BE PREPARED, HE SAID, TO RECOMMEND AN INTERMEDIARY THEORY TO PARIS -- THOUGH HE WAS NOT SURE PARIS WOULD AGREE -- PROVIDED THERE WAS INCLUDED IN THE PLAN AN ACTIVE ROLE FOR THE REICHSBAHN.

17. AFTER SUMMARIZING THE DISCUSSION, THE CHAIRMAN SUGGESTED THAT ANY DECISIONS WOULD SEEM TO HINGE ON WHETHER ANY DISPOSITION TO COMPROMISE EMERGED FROM THE MORE CONSIDERED REPLY FROM SEIDEL TO GAUS AND A POSSIBLE SOVIET REPLY TO THE FEBRUARY 27 ALLIED DEMWRCH. CARTER SAID THAT SPEED WAS OF THE ESSENCE IN WORKING OUT A COMPROMISE, AND HE UNDERTOOK TO BEGIN DRAFTING A SCENARIO WHICH MIGHT BE USED FOR IMPLEMENTING THE UK PROPOSAL.

18. COMMENT. WE ARE NOT OPTIMISTIC, IN THE ABSENCE OF AN INDICATION THAT THE FRG IS ACTUALLY PUSHING HARD IN ITS APPROACHES TO THE GDR, THAT THIS CHANNEL WILL PRODUCE ANY GIVE. MITDANK REPORTEDLY TOLD KUNZE THAT GAUS HAD ONLY MENTIONED THE MATTER "IN PASSING" TO SEIDEL, AND A REPORT FROM THE FRENCH AMBASSADOR IN EAST BERLIN OF A CONVERSATION HE HAD WITH GAUS AFTER THE MARCH 5 GAUS-SEIDEL MEETING SUGGESTS, ACCORDING TO BOISSIEU, THAT GAUS COULD NOT HAVE TAKEN A MORE LOW-KEY APPROACH TO THE MATTER. THE FRG, AT BONN GROUP LEVEL
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AT LEAST, IS WORKING ON THE THEORY THAT THE TRANSIT AGREEMENTS ARE OF GREATER INTEREST TO THE FRG THAN TO THE GDR AND THAT THE FRG THEREFORE HAS LITTLE LEVERAGE. THIS IS PROBABLY TRUE AT LEAST SO FAR AS THE REICHSBAHN AGREEMENT IS CONCERNED, SINCE MOST OF THE DM 51 MILLION WILL GO FOR PAYMENT OF THE WEST BERLIN CONSTRUC-

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TION FIRMS. WHAT IMPACT A WORK-STOP ORDER AND CONSEQUENT
POSSIBLE FAILURE OF THAT PARTICULAR PART OF THE PACKAGE
WOULD HAVE ON THE REST OF THE PACKAGE IS DIFFICULT TO
PREDICT.

19. BRITISH EAGERNESS TO RETREAT ALL THE WAY -- WHICH
PROBABLY STEMS FROM MUCH BROADER CONSIDERATIONS IN
UK-FRG RELATIONS -- MAKES IT IMPOSSIBLE TO ACHIEVE A
COMMON ALLIED-FRG FRONT. THE UK POSITION MAY HAVE
CONVINCED THE FRG -- SINCE ALLIED UNITY WOULD PRESUMABLY
BE REQUIRED TO EFFECT A WORK STOPPAGE -- THAT IT WAS
UNNECESSARY TO TAKE A TOUGH POSITION VIS-A-VIS THE GDR.
THIS MAY MEAN IN THE END THAT WE WILL HAVE TO CHOOSE
BETWEEN CAPITULATING OR STOPPING THE WORK --
CONCEIVABLY ONLY AT WANNSEE, BY A UNILATERAL ORDER OF
THE US COMMANDANT, IF THE UK REFUSES TO GO ALONG WITH
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A FULL AK ORDER THAT WOULD AFFECT ALSO THE WORK ON STATIONS IN THE BRITISH SECTOR. BARRING NEW DEVELOPMENTS ON THE GROUND, HOWEVER, WE BELIEVE IT IS BEST TO HOLD OFF ON ANY DECISION UNTIL WE GET A REPORT ON THE NEXT GAUS-SEIDEL MEETING.

20. FOREGOING WAS DRAFTED BEFORE RECEIPT OF USBERLIN 466, REPORTING MARCH 9 LUNCHEON CONVERSATION WITH STOBBE. FRG HAS NOT YET REQUESTED A BONN GROUP MEETING FOR MARCH 10, BUT WE HAD ALREADY SCHEDULED A TRIPARTITE MEETING FOR MORNING OF MARCH 10 AND WILL CONSIDER STOBBE SUGGESTION AT THAT TIME. IF FRG DOES REQUEST A MEETING AND ASKS ALLIES TO JOIN IN SKETCHING OUT A POSITION WHICH GAUS COULD USE IN A FOLLOW-UP MEETING WITH SEIDEL, WE WOULD, UNLESS OTHERWISE INSTRUCTED, INTERPRET GUIDANCE PREVIOUSLY PROVIDED BY THE DEPARTMENT (REF E) AS AUTHORIZING US TO JOIN IN A PROPOSAL SUCH AS THAT DESCRIBED IN PARA 4 OF USBERLIN 466.

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